

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JUDITH A. WAGNER, Chapter
11 Trustee of the bankruptcy estate
of The Vaughan Company, Realtors,

Plaintiff,

v.

Master Case No. 12-CV-00817-WJ-SMV

JONATHAN LEVANN,

Case No. 12-CV-00187-WJ-SMV

DANIEL FENTON, and
NANCY FENTON,

Case No. 12-CV-00241-WJ-SMV

MOSTAFA JAFARI, MARTEZA JAFARI
a/k/a MORTEZA JAFARI a/k/a MORI
JAFARI, MARYAM JAFARI, MELIKA
JAFARI, MOHAMMAD REZA JAFARI,
ZAHRA JAFARI, VAHID DERISS,
MOJTABA JAFARI, and FARZANEH
JAFARI,

Case No. 12-CV-00300-WJ-SMV

ABBAS ANSARI and
PEYMANEH POUR,
husband and wife,

Case No. 12-CV-00301-WJ-SMV

MARIE YEH, individually and as personal
representative of the estate of Chon-Chiun Yeh,
JENNY YEH NELSON, JULIE C. LOUIE,
DAVID L. LOUIE, JOHN DOE, as trustee of the
YEH FAMILY REVOCABLE TRUST ut dated
October 2, 2001, JIMMY CHIH MING YEH a/k/a
JIMMY C. YEH, RACHEL HANYEH, and
MARIE YEH as personal representative of the
estate of Chon-Chiun Yeh d/b/a Chinese
Acupuncture Clinic,

Case No. 12-CV-00303-WJ-SMV

SAID BANDI a/k/a SAID ALAGHE
BANDI, individually, SAID BANDA d/b/a
Bandi Engineering, BANDI
ENGINEERING COMPANY, INC., ADF
FINANCIAL, INC., SHAHLA BANDI a/k/a

Case No. 12-CV-00391-WJ-SMV

SHAHLA ZOLFAGHARI, MARYAM
ALAGHE-BANDI, HAMID ALAGHE
BANDI, HOSSEIN ALAGHE BANDI,
ABDUL DABIRI, SHARAREH SHAHIN,
And NEW MEXICO ACCOUNTING
SPECIALISTS, INC.,

JILL PLAMAN, as personal representative
of the estate of Carla Kosinski,

Case No. 12-CV-00496-WJ-SMV

STEVEN S. ETKIND and SHERRY ETKIND,
husband and wife; STEVEN S. ETKIND,
as trustee of STEVEN AND SHERRY ETKIND
REVOCABLE LIVING TRUST; and TALIA ETKIND,

Case No. 12-CV-00754-WJ-SMV

Defendants.

**STIPULATED ORDER MODIFYING AUGUST 28, 2014 STIPULATED SCHEDULING
ORDER AND EXTENDING DEADLINE FOR CERTAIN DEFENDANTS TO RESPOND
TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

This matter comes before the Court upon the stipulation of the parties hereto. The parties represent to the Court as follows:

1. On January 31, 2014, Plaintiff filed her *Motion for Partial Summary Judgment Against All Defendants on All But One Element of Trustee's Prima Facie Case on Actual and Constructive Fraudulent Transfers* (Doc. No. 731), and brief in support thereof (Doc. No. 732) (together, the "MSJ").

2. On July 14, 2014, this Court entered a *Stipulated Order Modifying June 9, 2014 Stipulated Order and Extending Deadline for Certain Defendants to Respond to Plaintiff's Motion for Partial Summary Judgment* (Doc. No. 952), which set various discovery deadlines, including, inter alia, a September 4, 2014 deadline to respond to the MSJ, August 29, 2014 termination date for discovery, a September 19, 2014 deadline for discovery motions, and an October 10, 2014 deadline for pretrial motions.

3. On August 28, 2014, this Court entered the *Second Stipulated Order Modifying July 14, 2014 Scheduling Order and Extending Deadline for Certain Defendants to Respond to Plaintiff's Motion for Partial Summary Judgment* (Doc. No. 1011) (the “**Order**”) which extended certain deadlines in this case.

4. The Order contemplated the completion of Ms. Wagner's deposition on or before October 10, 2014.

5. Due to scheduling conflicts with Ms. Wagner's involvement in other cases, and Defendants' counsel falling ill, Plaintiff and Defendants have agreed to continue Ms. Wagner's deposition until October 29, 2014, beginning at 1:00 p.m. mountain time and ending at 5:00 p.m. mountain time. The parties dispute whether the Defendants should have additional time after the October 29 session to depose Ms. Wagner. .

6. On June 13, 2014, this Court entered a text-only order (Doc. No. 904), which ordered Defendant Jonathan LeVann to appear by telephone and have his deposition taken on September 26, 2014. The text only order specifically extended discovery solely for that purpose.

7. On August 28, 2014, this Court entered the *Second Stipulated Order Modifying July 14, 2014 Scheduling Order and Extending Deadline for Certain Defendants to Respond to Plaintiff's Motion for Partial Summary Judgment* (Doc. No. 1011) which, *inter alia*, set certain discovery deadlines in these cases.

8. Pursuant to the August 28, 2014 stipulated order, except for issues related to the depositions of Ms. Wagner and Mr. LeVann, discovery terminated on August 29, 2014.

9. Mr. LeVann appeared on September 26, 2014 to have his deposition taken telephonically, but was ill. The parties therefore agreed to continue Mr. LeVann's deposition at a later date.

10. The plaintiff and Becker & Poliakoff, LLP, on behalf of the above-captioned defendants, excluding Sharareh Shahin New Mexico Accounting Specialists, Inc., Abdul Dabiri, ADF Financial Inc., and Hossein Alaghe Bandi (collectively, the “**Defendants**”), represent that more time is necessary to resolve discovery issues in the above-captioned cases.

11. Plaintiff has agreed that the Defendants may have additional time to respond to the MSJ, in order to facilitate resolution of ongoing discovery issues.

12. The Court, after reviewing the Motion, the pleadings of record, and being otherwise fully advised on the premises, hereby FINDS entry of this Order to be appropriate under the circumstances have no just reason exists to delay entry hereof.

IT IS HEREBY ORDERED that the deadlines set in the Order are extended as follows:

A. The termination date for discovery for the purposes of completing the deposition of Judith A. Wagner, and taking - such follow-up depositions of persons other than Ms. Wagner and serving follow-up demands for specific documents as may become necessary upon completion of Ms. Wagner’s deposition is extended through and until **November 24, 2014**. The Defendants reserve their right to continue Ms. Wagner’s deposition to question her about any documents that are received after her October 29, 2014 deposition. Plaintiff disputes that Defendants have any such rights to reserve and does not consent to any such reservation.

B. The termination date for discovery for the purposes of completing the deposition of Jonathan LeVann and taking such follow-up depositions and serving follow-up demands for specific documents as may become necessary upon completion of Mr. LeVann’s deposition is extended through and until **November 24, 2014**.

C. This Order does not affect the termination of discovery for all purposes other than those specifically stated in paragraphs A and B of this order, which closed on August 29, 2014.

D. The deadline for motions relating to discovery is extended through and until **December 8, 2014**.

E. The deadline for pretrial motions is extended through and until **January 9, 2014**.

F. The deadline for Plaintiff to provide a draft pretrial order to the Defendants is extended through and until **February 27, 2015**

G. The deadline for the Defendants to provide the completed pretrial order to the Court is extended through and until **March 27, 2015**.

IT IS FURTHER ORDERED that the Defendants may have through and until **December 8, 2014**, to respond to the Plaintiff's *Motion for Partial Summary Judgment Against All Defendants on All But One Element of Trustee's Prima Facie Case on Actual and Constructive Fraudulent Transfers* (Doc. No. 731).



HONORABLE STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE

Submitted by:

ASKEW & MAZEL, LLC

s/ submitted electronically

James A. Askew
Edward A. Mazel
Daniel A. White
320 Gold Ave. S.W., Suite 300A
Albuquerque, NM 87102
(505) 433.3097 (phone)
(505) 717.1494 (fax)

Attorneys for the Plaintiff

Approved by:

BECKER & POLIAKOFF, LLP

By: Approved via e-mail on 10/13/2014

Helen Davis Chaitman
Julie Gorchkova
45 Broadway
New York, NY 10006
Tel: (212) 599-3322

And

MERRIE CHAPPELL, ESQ.

Merrie L. Chappell
P.O. Box 21333
Albuquerque, NM 87154-1333
(505) 246-299-0180

And

MELVYN D. BARON, ESQ

Melvyn D. Baron
438 Poinsettia Pl SE
Albuquerque, NM 83123-3916
(505) 264-5952